

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES O'NEIL WIGGIN,

Plaintiff,

v.

C/O HARE, C/O MR. RIDGEWAY,  
C/O CARLYLE, C/O BALTIZAR, PA  
SCOTT LIGHT and CC3 DYSON,

Defendants.

NO: 2:14-CV-0023-TOR

ORDER GRANTING VOLUNTARY  
DISMISSAL WITHOUT PREJUDICE

BEFORE THE COURT is Plaintiff's Motion to Withdraw Complaint (ECF No. 12). Plaintiff, a prisoner incarcerated at Airway Heights Corrections Center, appearing pro se, filed this motion on May 28, 2014, stating that he is "exhausted with the system," "gives up and has no wish to pursue legal battles that he knows are futile." ECF No. 12 at 1. He asks the Court to "be allowed to withdraw his complaint." *Id.* at 2. Because Defendant has neither filed an answer nor moved for summary judgment, Plaintiff has an absolute right to voluntarily dismiss this case.

1 Fed. R. Civ. P. 41(a)(1)(A)(i).<sup>1</sup> Pursuant to Rule 41(a)(1)(B), unless otherwise  
2 stated in the stipulation of dismissal, the dismissal is without prejudice.

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 All claims and causes of action in this matter are **DISMISSED** without  
5 prejudice and without costs or fees to any party. All pending motions are  
6 **DENIED** as moot.

7 The District Court Executive is hereby directed to enter this Order, furnish  
8 copies to counsel, forward a copy to Plaintiff and **CLOSE** the file.

9 **DATED** June 18, 2014.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
United States District Judge

19 <sup>1</sup> Defendant is not opposed to Plaintiff's motion to withdraw his complaint. ECF  
20 No. 13.